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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.516 OF 2007

Sufisayyad Mansurulhasan Shah
Mehafile Hasani Trust, Kupwad ... Petitioner

Vs.

Union of India & Ors. ... Respondents

Mr. Shirish Gupte with Mr. Ajit Kenjale for the petitioner.

Mr. B.A. Desai, Additional Solicitor General with Mr. V.H. Kantharia for Union of India.

Mr. Y.H. Muchhala, senior advocate with Sagheer A. Khan Farooq Ahmed and Hansa I. Advani i/b V.B. Pait in Criminal Application No.130 of 2007.

Mr. Y.H. Muchhala, senior advocate with Sagheer A. Khan Farooq Ahmed and Hansa I. Advani i/b Akhlaque Solkar in Criminal Application No.148 of 2007.

Mr. Sural S. Shah for the applicant in Criminal Application No.149 of 2007.

Ms. Noorseema M. Baig with Mr. Siddhique in Criminal Application No.131 of 2007.

Mr. D.S. Mhaispurkar, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI &
D. B. BHOSALE, JJ.

DATED : 25TH APRIL, 2007.

P.C.:-

1. The petitioner is a Trust registered under the provisions of the Bombay Public Trust Act, 1951 under the name and style of Sufisayyad

Mansurulhasan Shah Mehafile Hasani Trust, Kupwad. The substantive prayers of the petitioner in this petition are as under :

> *"(a) This Hon'ble Court may be pleased to issue writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondents to forthwith provide police security and protection to the Petitioner Trust and its Trustees viz. (1) Mustaq Mohamed Sheikh, (2) Shamsuddin G. Pathan, (3) Mohd. Hanif Shamsuddin Kattewale, (4) Ilahi S. Hundekari, (5) Bashir M. Beediwale.*
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> *(b) This Hon'ble Court may be pleased to direct the appropriate authority of the Respondents to regulate or to restrict the entry of Wasimurrehman or his departure or his presence or his continued presence at Dist. Sangli by passing appropriate order under section 3 of the Foreigners Act, 1946.*
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> *(c) This Hon'ble Court may be pleased to call upon all the papers and proceedings submitted and undertaking given by Mr. Wasimurrehman to Respondent No.1 and after perusing its legality, propriety and validity be pleased to direct Respondent to take action against Mr. Vasimmurehman.*
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> *(d) This Hon'ble Court may be pleased to direct the Respondents that the Mr. Wasimmurehman and citizens of Pakistan coming with him shall follow rules and regulation and law of India in their stay in India."*

2. We have heard the learned counsel appearing for the petitioner and the learned A.P.P. for the State. Three intervention applications are also before us. Though we have not granted intervention applications of the applicants, in the interest of justice we have heard the learned counsel representing the intervenors also.

3. In short, the case of the petitioner appears to be that the entry of Mr. Wasimurrehman in Sangli District is, inter alia, detrimental to the interest of the Trust and is likely to cause breach of peace and law and order problem in the concerned area. According to the petitioner, it has made several applications to the Collector, Sangli District, Superintendent of Police, Sangli, and the Inspector of Police of the concerned police station, complaining about the conduct of Mr. Wasimurrehman and requested that his entry may be restricted. However, till date, no orders have been passed on those applications.

4. Mr. Muchhala, the learned senior counsel for the intervenors in Criminal Application No.130 of 2007 and Criminal Application No.148 of 2007 has seriously disputed the allegations made against Mr. Wasimurrehman. We do not wish to go into those disputed questions of fact. Since Mr. Gupte, the learned senior counsel appearing for the petitioner has stated that the petitioner shall make an appropriate application to the concerned authority for redressal of the petitioner's grievance made in this petition, we shall record his statement and pass the following order which, in our opinion, at this stage, will meet the ends of justice.

5. Mr. Gupte the learned senior counsel for the petitioner states that the petitioner shall make an appropriate application to the concerned authority under section 3 of the Foreigners Act, 1946 making appropriate prayers on or

before 30/4/2007. If such an application is received, the concerned authority shall decide the same and pass appropriate orders thereon in accordance with law on or before 15/5/2007. The applicant in Intervention Application No.149 of 2007 may also, if he so desires, make an appropriate application on or before 30/4/2007 to the concerned authority. That application may also be considered like-wise. We make it clear that we have not expressed any opinion on the merits of the case. No further orders are necessary in this petition. The petition is disposed of.

6. In view of the disposal of the petition, the connected applications do not survive and are disposed of as such.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]